

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

In re Patent Application of

Atty Dkt. 2752-14

Maertens et al

C# M#

Serial No. 09/899,082

Group Art Unit: 1634

Filed: July 6, 2001

Examiner: WHISENANT

Title: PROCESS FOR TYPING OF HCV ISOLATES

Date: September 3, 2002

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SEP 06 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00
☐ Please enter the previously unentered, filed
☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00
☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 180.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: Request; PTO-1449 Form; copy of Office Action dated June 19, 2002 with attachments; copy of
MPEP §609 (pg. 600-119); copies of front page of U.S. Patent Nos. 6,051,696 and 5,846,704; copy of U.S.
Patent No. 6,171,784, and Nedgar, J. Virol. Methods 35 (1991) 297-304 0.00

TOTAL FEE ENCLOSED \$ 180.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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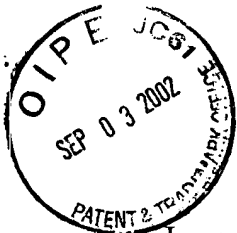
NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

09/05/2002 AOSMAN1 00000061 09899082

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Maertens

Atty. Ref.: 2752-14

Serial No. 09/378,900

Group: 1655

Filed: August 23, 1999

Examiner: Whisenant, E.

For: PROCESS FOR TYPING OF HCV ISOLATES

* * * * *

September 3, 2002

Assistant Commissioner for Patents
Washington, DC 20231

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TECH CENTER 1600/2900

Sir:

REQUEST

The Examiner is requested to return an initialed copy of the attached PTO-1449 Form, which includes documents cited in the PTO-1449 Form included with the Requests of June 14, 2002 and June 17, 2002 and lists documents of record in the parent applications Serial Nos. 09/044,665 (now U.S. Patent No. 6,051,696) and 08/256,568 (now U.S. Patent No. 5,846,704).

The attached PTO-1449 Form does not list Sommer et al (Nucleic Acids Research 17 (16): 6749 (1989)) which was included in the PTO-1449 Form filed June 17, 2002 as the Examiner has listed the same on the PTO 892 Form forwarded as a part of Paper No. 20.

As compared with the PTO-1449 Form filed June 17, 2002, the attached PTO-1449 Form also includes the following references which were cited or of record in the

Maertens
Serial No. 09/378,900

parent application Serial No. 08/256,568: EP 0469348, EP 0461863, Hu et al (1992), and U.S. Patent No. 5,550,016, which the applicants desire to be cited on the face of the issued patent from the present application.

Attached is a copy of the relevant section of MPEP §609, which indicates that these references, which were of record in the parent applications, should have already been considered by the Examiner and return an initialed copy of the attached PTO-1449 Form is requested as the applicants desire this information to be printed on the face of the patent which will issue from the above. A copy of the first page of each of the parent patents (U.S. Patent Nos. 6,051,696 and 5,846,704) is attached for the convenience of the Examiner.

Also listed on the attached PTO-1449 Form are references which have come to the applicants attention no more than three months ago from the above-identified Examiner with regard to copending application Serial No. 09/899,082. Specifically, the attached excerpts from U.S. Patent Nos. 6,297,370; 5,620,852 and 5,629,158 and Martell (1992) J. Virol. 66, 3225-3229, were cited in the attached Office Action dated June 19, 2002. The undersigned certifies that none of these items was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, none of these was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement attached. The requisite fee for consideration of these references is attached.

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Serial No. **09/378,900**

Finally, the attached PTO-1449 Form lists the applicants related U.S. Patent No. 6,171,784, which, while not being directly related to the present application, derives from a common parent application and is believed to contain the same disclosure. Also listed on the attached PTO-1449 Form is Nedjar (1991) 35, 297-304, which appears on the face of U.S. Patent No. 6,171,784. The disclosure of Nedjar is not believed to be any more relevant or material to patentability of the allowed claims of the present application from art previously considered.

For completeness, the Examiner is requested to consider the references and return an initialed copy of the attached PTO-1449 Form as acknowledgment of the same.

The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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**INFORMATION DISCLOSURE
CITATION**

ATTY. DOCKET NO.

SERIAL NO.

2752-14

09/378,900

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APPLICANT

SEP 06 2002

Maertens

GROUP

FILING DATE

TECH CENTER 1600/2900

August 23, 1999

1655

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS							TRANSLATION	
DOCUMENT			DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
		EP 0461863	12/1991	EP				
		EP 0469348	02/1992	EP				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	Okamoto et al., Japanese J. of Experimental Medicine 60 : 167-177 (1990)
	Bukh et al., PNAS 89 :4942-4946 (1992)
	Okamoto et al., J. of General Virology 72 : 2697-2704 (1991)
	Okamoto et al., Virology 188 :331-341 (1992)
	Cha et al., PNAS 89 : 7144-7148 (1992)
	Inchaupse et al., Hepatology 14 : 595-600 (1991)
	Weiner et al., Lancet 335 : 1-3 (1990)
	Lee et al., J. of Clinical Microbiology 30 : 1602-1604 (1992)
	Cha et al., J. of Clinical Microbiology 29(11):2528-2534 (1991)
	Hu et al., J. Clin. Invest. 89, 2040-2045 (1992)
	Nakao et al., J. of General Virology 72: 2105-2112 (1991)
	Nedjar (1991) J. Virological Methods 35, 297-304
	Martell (1992) J. Virol. 66, 3225-3229

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.